

REMARKS

Reconsideration of the present application as amended is requested. An election requirement was lodged with respect to claims 1-6 and claims 7-20. Applicant hereby affirms the telephonic election of claims 7-20, without traverse. Applicants have cancelled claims 1-6 without prejudice to consideration in a divisional application.

Various objections were raised with respect to the drawings. First, it was indicated that the drawings did not include the reference signs 188 and 570. Applicants have amended FIG. 19 to include the feature number 188, corresponding to the "stop face" described at page 22, line 25 of the specification. This amendment does not incorporate new matter because the particular feature and associated identifying number were part of the specification as originally filed. The missing reference number 570 is actually a clerical error in the specification. Thus, Applicant has proposed an amendment to the specification at page 20, line 3, to replace the number "570" with the correct feature number "120" corresponding to the bottom track. Again, this amendment does not constitute new matter because the bottom track feature had been previously identified in the specification and drawings as having feature number 120.

Further objections were raised with respect to reference characters found in the drawings that were presumed to be missing from the specification. The reference number 119 is shown in FIG. 14. Applicants have amended the associated text in the specification to specifically refer to the portion 119 shown in the figure. In particular, Applicants have amended the specification at page 17, line 13 to refer to the portion 119 that is configured to wrap around the bottom track, as clearly illustrated in the figures. Again, this addition does not constitute new matter but simply describes features shown in the drawings and inferentially described in the original specification.

The feature number 470 found in FIG. 15 is in error. The correct feature number is 120 corresponding to the bottom track, as described at page 17, line 4 of the specification. This erroneous feature number has been corrected in FIG.

15. This change does not constitute new matter because the proper feature number was disclosed in the original specification and associated figures.

Finally, it was suggested that feature number 198 and feature identifier "h" shown in the figures are missing from the specification. However, feature number 198 is found at page 24, line 1, referring to the discharge end of the channel. Similarly, the character "h" is found at page 24, line 9 referring to the height of the vertebral body. Thus, it is believed that no error exists with respect to these characters.

An objection was raised because the abstract exceeded 150 words. The Abstract has been amended to reduce the word count below the 150 word limit.

On the substantive part of the Office Action, Applicants appreciate the indication of allowable subject matter in claims 15-19. Applicants have amended claim 15 to place it in independent form, by incorporating the limitations from now cancelled claim 7. Claims 8-11 and 20, which had depended from claim 7 have been amended to depend from now independent claim 15. Other minor amendments have been made to claims 8-11 and 13 to address potential antecedent basis questions.

Since claim 15 has been amended to place it in independent form, it should be allowable, as indicated in the Office Action. Likewise, since all the remaining claims 8-14 and 16-20 depend from claim 15, they too are allowable. Applicants have addressed all of the issue raised in the Office Action, so it is believed that this application is in condition for allowance.

Respectfully submitted,

Michael D. Beck

Michael D. Beck
Reg. No. 32, 722
Maginot, Moore & Beck, LLP
111 Monument Circle
Suite 3250
Indianapolis, IN 46204
mdbeck@maginot.com
317-638-2922